

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

Dale E. Barney, Esq.
David N. Crapo, Esq.
GIBBONS P.C.
One Gateway Center
Newark, New Jersey 07102
Telephone: (973) 596-4500
Facsimile: (973) 596-0545
E-mail: dbarney@gibbonslaw.com
dcrapo@gibbonslaw.com
Counsel for Discover Growth Fund, LLC

In re:

IMMUNE PHARMACEUTICALS, INC., *et al.*,¹

Debtors.²

Chapter 11

Case No. 19-13273 (VFP)

(Jointly Administered)

**APPLICATION IN SUPPORT OF DISCOVER GROWTH FUND, LLC'S MOTION TO
SEAL DECLARATION OF JOHN C. KIRKLAND
IN FURTHER SUPPORT OF DISCOVER GROWTH FUND, LLC'S OBJECTION TO
DEBTORS' MOTION ON SHORTENED NOTICE SEEKING TO SELL THE
CEPLENE® PRODUCT LINE, PURSUANT TO 11 U.S.C. § 363(b) and (f)**

Pursuant to D.N.J. LBR 9018-1, Discover Growth Fund, LLC ("Discover") moves before the United States Bankruptcy Court for the District of New Jersey, the Honorable Vincent F. Papalia USBJ presiding, for the entry of an Order Concerning Request to Seal Documents regarding the above described "Declaration" (the "Motion"). In support of the Motion, Discover states as follows:

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: Immune Pharmaceutical, Inc. (1431); Immune Pharmaceuticals, Ltd.; Cytovia, Inc. (7805); Immune Oncology Pharmaceuticals, Inc.; Maxim Pharmaceuticals, Inc. (9983); and Immune Pharmaceuticals USA Corp. (9630).

² The Debtor in this chapter 11 case and the last four digits of their federal tax identification number is AMG International, Inc. (7839). The Debtor's service address is: 71 Walsh Drive, Parsippany, NJ 07054.

1. On March 5, 2019, Discover's prior counsel in this case served a Fed. R. Bankr. P. 2004 Subpoena (the "Subpoena") upon the Debtors via their counsel.

2. In response, Debtors' counsel required that the parties enter into a Stipulation and Consent Order Regarding Confidentiality (the "Stipulation") prior to commencement of document production called for by the Subpoena. The Stipulation was submitted to the Court for consideration and entry on March 25, 2019 as Doc 81.

3. Beginning on March 26, 2019, the Debtors began to provide access to the data rooms where the information sought by the Subpoena is said to be stored. On March 27, 2019, Discover began reviewing the same, and has located a number of documents that are supportive of Discover's Objection to the Debtors' pending Motion Seeking to Sell the Ceplene® Product Line, etc. that is scheduled for hearing before the Court on March 29, 2019 at 10:00 a.m. (the "March 29 Hearing").

4. Accordingly, Discover has prepared the Declaration dated March 27, 2019 attaching and discussing said documents.

5. It is unclear whether each of the attached documents is considered confidential by the Debtors. However, in an abundance of caution, Discover seeks to file the Declaration and its attachments under seal in accordance with the Stipulation. Discover seeks to have the Court review the Declaration and its attachments in connection with the March 29 Hearing.

6. Accordingly, Discover respectfully requests that the Court enter the proposed Order Concerning Request to Seal Documents submitted herewith.

Dated: March 27, 2019

Respectfully submitted,

GIBBONS P.C.

By: /s/ Dale E. Barney _____

Dale E. Barney

David N. Crapo

One Gateway Center

Newark, New Jersey 07102-5310

Tel: (973) 596-7474

Fax: (973) 639-6244

dbarney@gibbonslaw.com

dcrapo@gibbonslaw.com

Counsel for Discover Growth Fund, LLC